

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

ROBERT WNUK,
Plaintiff

v.

ARIENS COMPANY and CARLISLE
TIRE & WHEEL COMPANY,
Defendants

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)
)
) Docket No. 04-30082-MAP
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)
)

THE PARTIES' JOINT STATEMENT

Pursuant to Federal Rule of Civil Procedure 16(b), United States District Court Local Rule 16.1 and the Court's notice of scheduling conference dated June 10, 2004, the parties propose the following discovery schedule:

I. JOINT DISCOVERY PLAN AND FILING OF MOTIONS

1. All Factual Discovery, including all depositions of fact witnesses and non-expert depositions, shall be completed by May 20, 2005.

(a) The parties shall make their initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or before August 20, 2004.

(b) All motions pursuant to Fed. R. Civ. P. 12, 15, 19 and 20 shall be filed no later than June 24, 2005.

(c) All written discovery pursuant to Fed. R. Civ. P. 33, 34 and 36 served on or before November 12, 2004; responses thereto on or before February 11, 2005.

(d) The defendants may conduct a physical examination of the plaintiff on or before March 18, 2005, at a location agreed upon by the parties.

(e) The defendants may conduct an examination of the Ariens lawn tractor in question on or before April 22, 2005, at a location agreed upon by the parties.

2. Expert Discovery:

(a) The plaintiff shall identify his experts and produce expert reports pursuant to Fed. R. Civ. P. 26(a)(2) on or before July 29, 2005.

(b) The defendants shall identify their experts and produce expert reports pursuant to Fed. R. Civ. P. 26(a)(2) on or before August 26, 2005.

(c) All expert depositions to be completed on or before October 14, 2005.

(d) A party may depose an expert witness of the opposing party, pursuant to Rule 26(b)(4)(A), commencing at such time as such experts are designated. The parties shall be responsible for paying the other party's expert's reasonable fees for time spent at the deposition pursuant to Fed. R. Civ. P. 26(b)(4), unless otherwise agreed upon by the parties. The parties shall not be responsible for paying the other party's expert's fees for time spent in preparing for the deposition. The depositions of the experts shall be taken within the Commonwealth of Massachusetts, unless otherwise agreed upon by the parties.

3. All dispositive motions to be filed on or before November 18, 2005.

4. Final pre-trial conference on order of the Court.

II. TRIAL BEFORE A MAGISTRATE

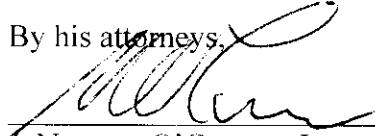
All parties do not consent to the assignment of this matter to a Magistrate Judge.

III. CERTIFICATIONS


The parties have conferred with their clients as to establishing a budget or cost for the litigation and with respect to Alternate Dispute Resolution programs. The parties' certifications will be provided at the scheduling conference on July 20, 2004.

THE PLAINTIFF

By his attorneys,



J. Norman O'Connor, Jr.
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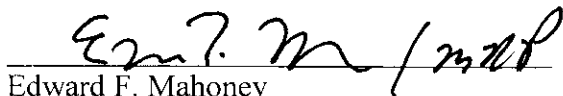


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DEFENDANT ARIENS COMPANY

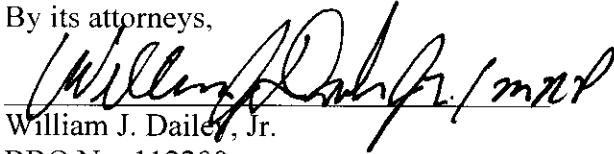
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